

Adopted	Rejected
---------	----------

## COMMITTEE REPORT

YES:	9
NO:	1

### MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1077, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1           Page 2, between lines 16 and 17, begin a new paragraph and insert:
- 2           "SECTION 2. IC 33-19-1-3 IS AMENDED TO READ AS
- 3           FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except for
- 4           the state share prescribed by IC 33-19-7-1 for semiannual distribution,
- 5           and as provided under IC 33-17-1-4(e), **IC 33-19-7-1(g)**, and
- 6           IC 33-19-6-1.5, within thirty (30) days after the clerk collects a fee, the
- 7           clerk shall forward the fee to:
- 8                 (1) the county auditor, if the clerk is a clerk of a circuit court; or
- 9                 (2) the city or town fiscal officer, if the clerk is the clerk of a city
- 10            or town court.
- 11           (b) If part of the fee is collected on behalf of another person for
- 12           service as a juror or witness, the county auditor or city or town fiscal
- 13           officer shall forward that part of the fee to the person within forty-five
- 14           (45) days after the auditor or fiscal officer receives the claim for the
- 15           fee.
- 16           (c) Except for amounts deposited in a user fee fund established

1 under IC 33-19-8, the county auditor shall distribute fees received from  
2 the clerk to:

- 3 (1) the county treasurer for deposit in the county general fund, if
- 4 the fee belongs to the county; and
- 5 (2) the fiscal officer of a city or town, if the fee belongs to the city
- 6 or town under IC 33-19-7-3.

7 (d) Except for amounts deposited in a user fee fund established  
8 under IC 33-19-8, the city or town fiscal officer shall deposit all fees  
9 received from a clerk in the treasury of the city or town.

10 (e) The clerk shall forward the state share of each fee to the state  
11 treasury at the clerk's semiannual settlement for state revenue.

12 SECTION 3. IC 33-19-6-5 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section  
14 applies to an action in which a final court order requires a person to pay  
15 support or maintenance payments through the clerk.

16 (b) The clerk shall collect a fee in addition to support and  
17 maintenance payments. The fee is:

- 18 (1) twenty dollars (\$20) for the calendar year in which the initial
- 19 order is entered, unless the first payment is due after June 30 of
- 20 that calendar year;
- 21 (2) ten dollars (\$10) for the calendar year in which the initial
- 22 order was entered, if the first payment is due after June 30 of that
- 23 calendar year; and
- 24 (3) in each subsequent year in which the initial order or a
- 25 modified order is in effect, twenty dollars (\$20) if the fee is paid
- 26 before February 1, or thirty dollars (\$30) if paid after January 31.

27 (c) The fee required under subsection (b) is due at the time that the  
28 first support or maintenance payment for the calendar year in which the  
29 fee must be paid is due.

30 (d) The clerk may not deduct the fee from a support or maintenance  
31 payment.

32 (e) Except as provided under IC 33-17-1-4(e) **and IC 33-19-7-1(g)**,  
33 the clerk shall forward the fee collected under this section to the county  
34 auditor in accordance with IC 33-19-1-3(a).

35 SECTION 4. IC 33-19-7-1, AS AMENDED BY P.L.183-2001,  
36 SECTION 13, AND AS AMENDED BY P.L.280-2001, SECTION 25,  
37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON  
38 PASSAGE]: Sec. 1. (a) The clerk of a circuit court shall semiannually

1 distribute to the auditor of state as the state share for deposit in the state  
 2 general fund seventy percent (70%) of the amount of fees collected  
 3 under the following:

- 4 (1) IC 33-19-5-1(a) (criminal costs fees).
- 5 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- 6 (3) IC 33-19-5-3(a) (juvenile costs fees).
- 7 (4) IC 33-19-5-4(a) (civil costs fees).
- 8 (5) IC 33-19-5-5(a) (small claims costs fees).
- 9 (6) IC 33-19-5-6(a) (probate costs fees).
- 10 (7) IC 33-19-6-16.2 (deferred prosecution fees).

11 (b) The clerk of a circuit court shall semiannually distribute to the  
 12 auditor of state for deposit in the state user fee fund established under  
 13 IC 33-19-9-2 the following:

- 14 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
 15 interdiction, and correction fees collected under  
 16 IC 33-19-5-1(b)(5).
- 17 (2) Twenty-five percent (25%) of the alcohol and drug  
 18 countermeasures fees collected under IC 33-19-5-1(b)(6),  
 19 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- 20 (3) Fifty percent (50%) of the child abuse prevention fees  
 21 collected under IC 33-19-5-1(b)(7).
- 22 (4) One hundred percent (100%) of the domestic violence  
 23 prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- 24 (5) One hundred percent (100%) of the highway work zone fees  
 25 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- 26 (6) One hundred percent (100%) of the safe schools fee collected  
 27 under IC 33-19-6-16.3.
- 28 (7) One hundred percent (100%) of the automated record keeping  
 29 fee (IC 33-19-6-19).

30 (c) The clerk of a circuit court shall monthly distribute to the county  
 31 auditor the following:

- 32 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 33 interdiction, and correction fees collected under  
 34 IC 33-19-5-1(b)(5).
- 35 (2) Seventy-five percent (75%) of the alcohol and drug  
 36 countermeasures fees collected under IC 33-19-5-1(b)(6),  
 37 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

38 The county auditor shall deposit fees distributed by a clerk under this

subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

~~(e) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the judicial salaries fee.~~

~~(f)~~ (e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

~~(g)~~ (f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance fund established under IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the

1        **secretary of family and social services the percentage share of the**  
2        **support and maintenance fees for cases designated as Title IV-D**  
3        **child support cases in ISETS collected under IC 33-19-6-5 that is**  
4        **reimbursable to the county at the applicable federal financial**  
5        **participation rate."**

6        Renumber all SECTIONS consecutively.  
          (Reference is to HB 1077 as introduced.)

**and when so amended that said bill do pass.**

---

Representative Sturtz